



T 510.836.4200
F 510.836.4205

1939 Harrison Street, Ste. 150
Oakland, CA 94612

www.lozeaudrury.com
brian@lozeaudrury.com

OCT 24 2019

October 15, 2019

VIA CERTIFIED MAIL
RETURN RECEIPT REQUESTED

Majid Rahimian, CEO and Legally
Responsible Person
NMI Industrial Holdings, Inc.
8503 Weyand Ave.
Sacramento, CA 95828

NMI Industrial Holdings, Inc.
8503 Weyand Ave.
Sacramento, CA 95828

VIA FIRST CLASS MAIL

Amrit Sidhu
(Registered Agent for Service of Process)
8503 Weyand Ave.
Sacramento, CA 95828

**Re: Notice of Violations and Intent to File Suit under the Federal Water
Pollution Control Act**

Dear Mr. Rahimian:

I am writing on behalf of California Sportfishing Protection Alliance ("CSPA") in regard to violations of the Clean Water Act (the "Act") that CSPA believes are occurring at your industrial facility located at 8503 Weyand Avenue in Sacramento, California ("Facility"). CSPA is a non-profit public benefit corporation dedicated to the preservation, protection, and defense of the environment, wildlife, and natural resources of the Sacramento River, the Sacramento-San Joaquin Delta and other California waters. This letter is being sent to NMI Industrial Holdings, Inc., and Majid Rahimian as the responsible owner and operator of the Facility (all recipients are hereinafter collectively referred to as "NMI").

This letter addresses NMI's unlawful discharge of pollutants from the Facility to the City of Sacramento's municipal storm drain system, which, on information and belief, then flow into Morrison Creek, which flows to the Sacramento River, the Delta, and Suisun Bay. The Facility is discharging storm water pursuant to National Pollutant Discharge Elimination System ("NPDES") Permit No. CA S000001, State Water Resources Control Board ("State Board") Order No. 97-03-DWQ as renewed by Order No. 2015-0057-DWQ ("General Permit"). This letter notifies NMI of ongoing violations of the substantive and procedural requirements of the General Permit at the Facility.

Section 505(b) of the Clean Water Act requires a citizen to give notice of intent to file

suit sixty (60) days prior to the initiation of a civil action under Section 505(a) of the Act (33 U.S.C. § 1365(a)). Notice must be given to the alleged violator, the U.S. Environmental Protection Agency (“EPA”) and the State in which the violations occur.

As required by the Clean Water Act, this Notice of Violations and Intent to File Suit provides notice of the violations that have occurred, and continue to occur, at the Facility. Consequently, CSPA hereby places NMI on formal notice that, after the expiration of sixty days from the date of this Notice of Violations and Intent to Sue, CSPA intends to file suit in federal court against NMI under Section 505(a) of the Clean Water Act (33 U.S.C. § 1365(a)), for violations of the Clean Water Act and the General Permit. These violations are described more extensively below.

I. Background.

A. The Facility.

On June 3, 2015, NMI filed its Notice of Intent to Comply with the Terms of the General Permit to Discharge Storm Water Associated with Industrial Activity (“NOI”). The Waste Discharger Identification Number (“WDID”) for the Facility listed on documents submitted to the State Board is 5S34I022883. In the NOI, NMI certifies that the Facility is classified under SIC code 3499 (“Fabricated Metal Products, NEC”). The Facility collects and discharges storm water from its 3-acre industrial site into at least five drain inlets at the Facility which discharge at a single outfall onto Weyand Avenue. The Facility discharges stormwater to a municipal storm drain operated by the City of Sacramento, which, on information and belief, conveys the Facility’s storm water discharges to the Morrison Creek. Morrison Creek, in turn, flows to the Sacramento River, the Delta, and Suisun Bay. CSPA is informed and believes that the Facility has been in operation under the current ownership since about 2010. During that entire period, the Facility has been subject to the Clean Water Act’s stormwater control requirements. However, the Facility does not appear to have enrolled in the General Permit until June 2015. Accordingly, for many years, the Facility was discharging polluted stormwater illegally without an NPDES permit.

B. Water Quality Standards, Guidelines, and Numeric Action Levels.

The Regional Board has identified beneficial uses of the Central Valley Region’s waters and established water quality standards for the Sacramento River and its tributaries in “The Water Quality Control Plan (Basin Plan) for the California Regional Water Quality Control Board, Central Valley Region – The Sacramento River Basin and The San Joaquin River Basin,” generally referred to as the Basin Plan. *See* https://www.waterboards.ca.gov/centralvalley/water_issues/basin_plans/sacsjr_201805.pdf.

The beneficial uses of the Sacramento River and its tributaries include, among others, domestic and municipal supply, water contact recreation, non-contact recreation, wildlife habitat, warm and cold freshwater habitat, and fish spawning. The non-contact water recreation use is defined as “[u]ses of water for recreational activities involving proximity to water, but where

there is generally no body contact with water, nor any likelihood of ingestion of water. These uses include, but are not limited to, picnicking, sunbathing, hiking, camping, boating, . . . hunting, sightseeing, or aesthetic enjoyment in conjunction with the above activities.” Basin Plan at 2-2. Contact recreation includes “swimming, wading, water-skiing, skin and scuba diving, surfing, white water activities, fishing, or use of natural hot springs.” *Id.* Visible pollution, including cloudy or muddy water from industrial areas, impairs people’s use of the Old River, Middle River, and the Delta for contact and non-contact water recreation.

The Basin Plan establishes water quality standards for the for the Sacramento River and its tributaries. It includes a narrative toxicity standard which states that “[a]ll waters shall be maintained free of toxic substances in concentrations that produce detrimental physiological responses in human, plant, animal, or aquatic life.” *Id.* at 3-15. It provides that “[w]ater shall not contain floating material in amounts that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-7. It provides that “[w]ater shall be free of discoloration that causes nuisance or adversely affects beneficial uses.” *Id.* at 3-6. It provides that “[w]aters shall not contain suspended material in concentrations that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-13. The Basin Plan requires that “[w]aters shall be free of changes in turbidity that cause nuisance or adversely affect beneficial uses.” *Id.* at 3-15. The Basin Plan also prohibits the discharges of oil and grease, stating that “[w]aters shall not contain oils, greases, waxes, or other materials in concentrations that cause nuisance, result in a visible film or coating on the surface of the water or on objects in the water, or otherwise adversely affect beneficial uses.” *Id.* at 3-8. The Basin Plan provides that the pH shall not be depressed below 6.5 nor raised above 8.5. *Id.*

Table 3-1 of the Basin Plan establishes a water quality objective (“WQO”) for iron of 0.3 mg/L and for zinc of 0.1 mg/L (with some variation based on the hardness of the receiving water). The EPA has adopted freshwater numeric water quality standard for zinc of 0.120 mg/L (Criteria Maximum Concentration – “CMC” and Criteria Continuous Concentration – “CCC”).

The Basin Plan provides that “[a]t a minimum, water designated for use as domestic or municipal supply (MUN) shall not contain concentrations of chemical constituents in excess of the maximum contaminant levels (MCLs) specified in the following provisions of Title 22 of the California Code of Regulations, which are incorporated by reference into this plan: Tables 64431-A (Inorganic Chemicals) and 64431-B (Fluoride) of Section 64431, Table 64444-A (Organic Chemicals) of Section 64444, and Tables 64449-A (Secondary Maximum Contaminant Levels-Consumer Acceptance Limits) and 64449-B (Secondary Maximum Contaminant Levels-Ranges) of Section 64449.” *Id.* at 3-16. Table 64449-A provides Secondary MCL (“SMCL”) for iron of 0.3 mg/L. Table 64431-A provides a Primary MCL for aluminum of 1.0 mg/L and Table 64449-A provides a SMCL for aluminum of 0.2 mg/L.

The EPA has published benchmark levels as guidelines for determining whether a facility discharging industrial storm water has implemented the requisite best available technology economically achievable (“BAT”) and best conventional pollutant control technology (“BCT”).¹

¹ The Benchmark Values can be found at:
http://www.epa.gov/npdes/pubs/msgp2008_finalpermit.pdf.

The following benchmarks have been established for pollutants discharged by NMI: pH – 6.0 - 9.0 standard units (“s.u.”); aluminum – 0.75 mg/L; Nitrate & Nitrite as Nitrogen (“N+N”) – 0.68 mg/L; zinc – 0.05-0.08 mg/L;² and iron – 1.0 mg/L.

These benchmarks are reflected in the 2015 Permit in the form of Numeric Action Levels (“NALs”). The 2015 Permit incorporates annual NALs and instantaneous maximum NALs, which are derived from a Water Board dataset. The following annual NALs have been established under the 2015 Permit for pollutants discharged by NMI: TSS – 100 mg/L; O&G – 15 mg/L; aluminum – 0.75 mg/L; N+N – 0.68 mg/L; zinc – 0.26 mg/L; and iron – 1.0 mg/L. The 2015 Permit also establishes the following instantaneous maximum NALs: pH – 6.0-9.0 s.u.; TSS – 400 mg/L; and O&G – 25 mg/L.

II. Alleged Violations of the Clean Water Act for Unpermitted Discharges of Pollutants

A discharger violates the Clean Water Act when it (1) discharges, i.e., adds (2) a pollutant (3) to navigable waters (4) from (5) a point source. *Comm. To Save Mokelumne River v. E. Bay Mun. Util. Dist.*, 13 F.3d 305, 308 (9th Cir. 1993). Section 301(a) of the CWA mandates that, “[e]xcept as in compliance with this section and sections 1312, 1316, 1317, 1328, 1342, and 1344 of this title, the discharge of any pollutant by any person shall be unlawful.” 33 U.S.C. § 1311(a). Section 1342 is the exception authorizing discharges pursuant to a NPDES permit, including the General Permit for example. 33 U.S.C. § 1342.

NMI has been in operation since at least 2010. The Clean Water Act provides that all dischargers of storm water associated with industrial activity have obtained a NPDES permit by no later than February 4, 1991. The State Board issued the initial general permit for industrial storm water discharges on November 19, 1991.

CSPA is informed and believes and thereupon alleges that NMI did not apply for coverage under the General Permit until June 3, 2015. CSPA is informed and believes and thereupon alleges that prior to June 3, 2015, NMI’s discharges of storm water associated with industrial activities from the Facility were not subject to a NPDES permit. As a result, CSPA is informed and believes and thereupon alleges that prior to June 3, 2015, NMI’s discharges of storm water were entirely unauthorized by a NPDES permit and, as a result, did not comply with any of the General Permit’s monitoring, reporting, or pollution control requirements. These violations, including the requirement for an industrial storm water discharger to retain storm water monitoring information, records, data, and reports required by the General Permit for at least five years, are continuing. As described throughout this notice, NMI is continuing to discharge storm water that is not authorized by a NPDES permit in violation of Section 301(a), 33 U.S.C. § 1311(a). Additionally, the General Permit requires that “Dischargers shall retain, for a period of at least five (5) years, either a paper or electronic copy of all storm water monitoring information, records, data, and reports required by this General Permit.” General Permit, §

² The benchmark for zinc depends upon the hardness of the water. CSPA is informed and believes that hardness measured in Sacramento River ranges from about 30 to 50 mg/L as CaCO₃.

XXI.J.4. The current permit went into effect on July 1, 2015. As of that date, the General Permit continued the requirement from the previous version of the General Permit issued in 1997, which had the same record retention requirement: "Records of all storm water monitoring information and copies of all reports (including the Annual Reports) required by this General Permit shall be retained for a period of at least five years." 1997 General Permit, § B.13. Numerous required records that are required to be available dating back five years to at least October 15, 2014 are not available to either the agencies or the public.

Because, on information and belief, NMI failed to enroll in the General Permit until June 3, 2015, NMI violated and continues to violate the Act's requirement that all discharges be prohibited unless authorized by a NPDES permit for at least 230 days. Because any discharges allowed without obtaining a NPDES industrial stormwater permit resulted in the omission of numerous records regarding inspections, spills, maintenance activities, corrective actions, visual observations, sampling and analysis results, annual reports and other required records, and those omitted records and the information they were required to contain are still not available to the agencies and the public, those unpermitted pollutant discharge violations are ongoing and continuing to this day. Additionally, and as described in this notice letter, NMI's discharges of industrial storm water are continuing to violate Section 301(a) of the Clean Water Act by discharging storm water that is unauthorized by a NPDES permit.

III. Alleged Violations of the NPDES Permit.

A. Discharges in Violation of the Permit.

NMI has violated and continues to violate the terms and conditions of the General Permit. Section 402(p) of the Act prohibits the discharge of storm water associated with industrial activities, except as permitted under an NPDES permit (33 U.S.C. § 1342) such as the General Permit. The General Permit prohibits any discharges of storm water associated with industrial activities or authorized non-storm water discharges that have not been subjected to BAT or BCT. Effluent Limitation V(A) of the General Permit requires dischargers to reduce or prevent pollutants in their storm water discharges through implementation of BAT for toxic and nonconventional pollutants and BCT for conventional pollutants. *See* General Permit § V.A. BAT and BCT include both nonstructural and structural measures. General Permit § X.H. Conventional pollutants are total suspended solids, oil and grease, pH, biochemical oxygen demand, and fecal coliform. 40 C.F.R. § 401.16. All other pollutants are either toxic or nonconventional. *Id.*; 40 C.F.R. § 401.15.

In addition, Discharge Prohibition III.B of the General Permit prohibits the discharge of materials other than storm water (defined as non-storm water discharges) that discharge either directly or indirectly to waters of the United States. General Permit § III.B. Discharge Prohibition III.C of the General Permit prohibits storm water discharges and authorized non-storm water discharges that cause or threaten to cause pollution, contamination, or nuisance. General Permit § III.C.

Receiving Water Limitation VI.B of the General Permit prohibits storm water discharges and authorized non-storm water discharges that adversely impact human health or the environment. General Permit § VI.B. Discharge Prohibition III.D of the General Permit also prohibits storm water discharges and authorized non-storm water discharges that cause or contribute to an exceedance of any applicable water quality standards. General Permit § III.D. The General Permit does not authorize the application of any mixing zones for complying with Receiving Water Limitation VI.A of the General Permit. As a result, compliance with this provision is measured at the Facility's discharge monitoring locations.

NMI has discharged and continues to discharge storm water with unacceptable levels of TSS, aluminum, zinc, and iron in violation of the General Permit. NMI's sampling and analysis results reported to the Regional Board confirm discharges of specific pollutants and materials other than storm water in violation of the Permit provisions listed above. Self-monitoring reports under the General Permit are deemed "conclusive evidence of an exceedance of a permit limitation." *Sierra Club v. Union Oil*, 813 F.2d 1480, 1493 (9th Cir. 1988).

The following discharges of pollutants from the Facility have contained observations and measurements of pollutants in excess of applicable numerical and narrative water quality standards established in the Basin Plan. They have thus violated Discharge Prohibitions III.C and III.D and Receiving Water Limitations VI.A, VI.B, and VI.C of the General Permit; and are evidence of ongoing violations of Effluent Limitation V.A of the General Permit.

Sampling / Observation Date	Parameter	Observed Concentration	Basin Plan Water Quality Objective / CTR	Outfall (as identified by Facility)
05/16/2019	Aluminum	2.1 mg/L	1 mg/L (Primary MCL); 0.2 mg/L (SMCL)	S-1
03/05/2019	Aluminum	4.1 mg/L	1 mg/L (Primary MCL); 0.2 mg/L (SMCL)	SW Driveway
03/01/2018	Aluminum	5.9 mg/L	1 mg/L (Primary MCL); 0.2 mg/L (SMCL)	D-1
02/26/2018	Aluminum	2 mg/L	0.2 mg/L (SMCL)	SW-DI
01/10/2017	Aluminum	1.6 mg/L	1 mg/L (Primary MCL); 0.2 mg/L (SMCL)	S-1
12/15/2016	Aluminum	5.9 mg/L	1 mg/L (Primary MCL); 0.2 mg/L (SMCL)	S-1
03/07/2016	Aluminum	2.1 mg/L	1 mg/L (Primary MCL); 0.2 mg/L (SMCL)	S-1
05/16/2019	Iron	4.8 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	S-1

03/05/2019	Iron	7.5mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	SW Driveway
03/01/2018	Iron	11 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	D-1
02/26/2018	Iron	3.9 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	SW-DI
01/10/2017	Iron	3 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	S-1
12/15/2016	Iron	11 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	S-1
03/07/2016	Iron	4.7 mg/L	0.3 mg/L (WQO) / 0.3 mg/L (SMCL)	S-1
03/05/2019	Zinc	0.54 mg/L	0.1 mg/L (WQO)	SW Driveway
03/01/2018	Zinc	0.51 mg/L	0.1 mg/L (WQO)	D-1
01/10/2017	Zinc	0.32 mg/L	0.1 mg/L (WQO)	S-1
12/15/2016	Zinc	2.3 mg/L	0.1 mg/L (WQO)	S-1
04/22/2016	Zinc	0.94 mg/L	0.1 mg/L (WQO)	S-1
03/07/2016	Zinc	0.18 mg/L	0.1 mg/L (WQO)	S-1
11/02/2015	Zinc	5.4 mg/L	0.1 mg/L (WQO)	#3 Weyland Ave.

The information in the above table reflects data gathered from NMI's self-monitoring during the 2015-2016, 2016-2017, 2017-2018, and 2018-2019 reporting years. The Facility failed to enroll under the General Permit prior to June 2015 and failed to conduct any monitoring prior to the 2015-2016 reporting year. Nevertheless, the Facility was obligated to obtain coverage under the General Permit and comply with the receiving water limitations. CSPA alleges that since at least October 15, 2014 and continuing through the date of this notice, NMI has discharged storm water contaminated with pollutants at levels that exceed one or more applicable water quality standards, including but not limited to each of the following:

- Aluminum – 1 mg/L (Primary MCL)
- Aluminum – 0.2 mg/L (SMCL)
- Iron – 0.3 mg/L (WQO and SMCL)
- Zinc – 0.1 mg/L (WQO)

The following discharges of pollutants from the Facility have contained measurements of pollutants in excess of applicable NALs and EPA benchmarks. The following discharges of pollutants from the Facility have violated Discharge Prohibitions III.B and III.C and Receiving

Water Limitations VI.A and VI.B of the General Permit and are evidence of ongoing violations of Effluent Limitation V.A of the General Permit.

Sampling / Observation Date	Parameter	Observed Concentration / Conditions	EPA Benchmark Value / Annual NAL	Outfall (as identified by the Facility)
05/16/2019	Aluminum	2.1 mg/L		S-1
03/05/2019	Aluminum	4.1 mg/L		SW Driveway
2018-2019 Annual Average:	Aluminum	3.1 mg/L	0.75 mg/L	
03/01/2018	Aluminum	0.26 mg/L		SE-DI
03/01/2018	Aluminum	5.9 mg/L		D-1
02/26/2018	Aluminum	2 mg/L		SW-DI
01/08/2018	Aluminum	0.27 mg/L		SE-DI
01/08/2018	Aluminum	0.66 mg/L		D-1
11/16/2017	Aluminum	0.63 mg/L		SW-DI
2017-2018 Annual Average	Aluminum	1.62 mg/L	0.75 mg/L	
01/10/2017	Aluminum	1.6 mg/L		S-1
12/15/2016	Aluminum	5.9 mg/L		S-1
2016-2017 Annual Average	Aluminum	3.75 mg/L	0.75 mg/L	
04/22/2016	Aluminum	0.36 mg/L		S-1
03/07/2016	Aluminum	2.1 mg/L		S-1
11/02/2015	Aluminum	0.05 mg/L		#3 Weyland Ave.
2015-2016 Annual Average	Aluminum	0.84 mg/L	0.75 mg/L	

05/16/2019	Iron	4.8 mg/L		S-1
03/05/2019	Iron	7.5 mg/L		SW Driveway
2018-2019 Annual Average:	Iron	6.15 mg/L	1.0 mg/L	
03/01/2018	Iron	0.39 mg/L		SE-DI
03/01/2018	Iron	11 mg/L		D-1
02/26/2018	Iron	3.9 mg/L		SW-DI
01/08/2018	Iron	0.51 mg/L		SE-DI
01/08/2018	Iron	0.94 mg/L		D-1
11/16/2017	Iron	1.2 mg/L		SW-DI
2017-2018 Annual Average	Iron	2.99 mg/L	1.0 mg/L	
01/10/2017	Iron	3 mg/L		S-1
12/15/2016	Iron	11 mg/L		S-1
2016-2017 Annual Average	Iron	7 mg/L	1.0 mg/L	
04/22/2016	Iron	0.79 mg/L		S-1
03/07/2016	Iron	4.7 mg/L		S-1
11/02/2015	Iron	0.047mg/L		#3 Weyland Ave.
2015-2016 Annual Average	Iron	1.85 mg/L	1.0 mg/L	
01/10/2017	N+N	0.57 mg/L		S-1
12/15/2016	N+N	27 mg/L		S-1
2016-2017 Annual Average		13.79 mg/L	0.68 mg/L	

05/16/2019	TSS	95 mg/L		S-1
03/05/2019	TSS	230 mg/L		SW Driveway
2018-2019 Annual Average	TSS	162.5 mg/L	100 mg/L	
05/16/2019	Zinc	0.22 mg/L		S-1
03/05/2019	Zinc	0.54 mg/L		SW Driveway
2018-2019 Annual Average	Zinc	0.38 mg/L	0.26 mg/L	
01/10/2017	Zinc	0.32 mg/L		S-1
12/15/2016	Zinc	2.3 mg/L		S-1
2016-2017 Annual Average	Zinc	1.31 mg/L	0.26 mg/L	
04/22/2016	Zinc	0.94 mg/L		S-1
03/07/2016	Zinc	0.18 mg/L		S-1
11/02/2015	Zinc	5.4 mg/L		#3 Weyland Ave.
2015-2016 Annual Average	Zinc	2.17 mg/L	0.26 mg/L	

The information in the above table reflects data gathered from NMI's self-monitoring during the 2015-2016, 2016-2017, 2017-2018, and 2018-2019 reporting years. CSPA notes that NMI's sampling results from the 2015-2016 reporting year placed the Facility in Level 1 Status pursuant to the General Permit for aluminum, iron, and zinc. CSPA notes that NMI's sampling results from the 2016-2017 reporting year placed the Facility in Level 1 Status pursuant to the General Permit for N+N. CSPA notes that NMI's sampling results from the 2016-2017 reporting year placed the Facility in Level 2 Status pursuant to the General Permit for aluminum, iron, and zinc. CSPA notes that NMI's sampling results from the 2018-2019 reporting year placed the Facility in Level 1 Status pursuant to the General Permit for TSS. The Facility's discharges of aluminum, iron, and zinc have not been meaningfully reduced as a result of the Facility's Level 1 ERA Report, Level 2 ERA Action Plan, and Level 2 ERA Technical Report as of July 1, 2019. CSPA alleges that since at least October 15, 2014 NMI has discharged storm water contaminated with pollutants at levels that exceed the applicable EPA Benchmarks and NALs for aluminum, iron, and zinc.

CSPA's investigation, including review of NMI's Storm Water Pollution Prevention Plan ("SWPPP"), NMI's Level 1 ERA Report, NMI's Level 2 ERA Action Plan, NMI's Level 2 ERA Technical Report, NMI's analytical results documenting pollutant levels in the Facility's storm water discharges well in excess of applicable water quality standards, NALs, and EPA benchmark values, and the absence of sufficient advanced storm water pollution control measures indicates that NMI has not implemented BAT and BCT at the Facility for its discharges of aluminum, iron, zinc, and TSS, and potentially other pollutants, in violation of Effluent Limitation V.A of the General Permit. NMI was required to have implemented BAT and BCT by no later than October 1, 1992, or since the date the Facility opened. Thus, NMI is discharging polluted storm water associated with its industrial operations without having implemented BAT and BCT.

In addition, the numbers listed above indicate that the Facility is discharging polluted storm water in violation of Discharge Prohibitions III.C and III.D and Receiving Water Limitations VI.A, VI.B, and VI.C of the General Permit. CSPA alleges that such violations also have occurred and will occur on other rain dates, including on information and belief every significant rain event that has occurred since at least June 3, 2015, and that will occur at the Facility subsequent to the date of this Notice of Violation and Intent to File Suit. Attachment A, attached hereto, sets forth each of the specific rain dates on which CSPA alleges that NMI has discharged storm water containing impermissible and unauthorized levels of aluminum, iron, and zinc in violation of Section 301(a) of the Act as well as Effluent Limitation V.A, Discharge Prohibitions III.B and III.C and Receiving Water Limitations VI.A and VI.B of the General Permit.³

Further, CSPA puts NMI on notice that General Permit Effluent Limitation V.A, Discharge Prohibitions III.B and III.C and Receiving Water Limitations VI.A and VI.B are each separate, independent requirements with which NMI must comply, and that carrying out the iterative process triggered by exceedances of the NALs listed at Table 2 of the General Permit does not amount to compliance with the General Permit's Effluent Limitations, including NMI's obligation to have installed BAT and BCT at the Facility. While exceedances of the NALs demonstrate that a facility is among the worst performing facilities in the State and are evidence of the Facility's failure to implement BAT and BCT, the NALs are not effluent limitations that by themselves determine whether an industrial facility has implemented best management practices ("BMPs") that achieve BAT/BCT.⁴

³ The rain dates on the attached table are all the days when 0.09" or more rain was observed at a weather station near the Facility. Rain data was accessed from the National Oceanic and Atmospheric Administration at <https://www.ncdc.noaa.gov/cdo-web/>. (Last accessed on September 30, 2019).

⁴ "The NALs are not intended to serve as technology-based or water quality-based numeric effluent limitations. The NALs are not derived directly from either BAT/BCT requirements or receiving water objectives. NAL exceedances defined in [the General] Permit are not, in and of themselves, violations of [the General] Permit." General Permit, Finding 63, p. 11. The NALs do, however, trigger reporting requirements. See General 2015 Permit, Section XII.

These unlawful discharges from the Facility are ongoing. Each discharge of storm water containing any of these pollutants constitutes a separate violation of the General Permit and the Act. Each discharge of storm water constitutes an unauthorized discharge of aluminum, iron, zinc and/or TSS and storm water associated with industrial activity in violation of Section 301(a) of the CWA. Each day that the Facility operates without implementing BAT/BCT is a violation of the General Permit. Consistent with the five-year statute of limitations applicable to citizen enforcement actions brought pursuant to the federal Clean Water Act, NMI is subject to penalties for violations of the General Permit and the Act since October 15, 2014

B. Failure to Develop, Implement, and/or Revise the Monitoring and Reporting Requirements for the Facility.

The General Permit requires facility operators to develop and implement an adequate Monitoring Implementation Plan for visual observations and for the sampling and analysis of storm water discharges. *See* General Permit, §§ X(I), XI. The primary objective of such monitoring is to both observe and to detect and measure the concentrations of pollutants in a facility's discharge to ensure compliance with the General Permit's discharge prohibitions, effluent limitations, and receiving water limitations. Adequate monitoring and reporting ensure that BMPs are effectively reducing and/or eliminating pollutants at a facility and are evaluated and revised whenever appropriate to ensure compliance with the General Permit.

Section XI of the General Permit sets forth the monitoring and reporting requirements. As required by the General Permit, all facility operators must conduct visual observations of storm water discharges and authorized non-storm water discharges as well as collect and analyze samples of storm water discharges. Additionally, all facility operators must timely submit an Annual Report for each reporting year. General Permit, § XVI. The General Permit also requires Exceedance Response Actions (ERAs) in the event of any NAL exceedance, including the completion of an ERA Evaluation and ERA Report which identifies any additional BMPs and SWPPP revisions necessary to prevent future NAL exceedances. General Permit, § XII.

The General Permit mandates that facility operators sample four storm water discharges from all discharge locations over the course of the reporting year (two samples from July 1 to December 31 and two samples from January 1 to June 30). General Permit, §§ XI.B.2, 3. Storm water discharges trigger the sampling requirement under the General Permit when they occur during facility operating hours and are preceded by 48-hours without storm water discharge. General Permit, § XI.B. A sample must be collected from each discharge point at the facility within four hours of the start of the discharge or the start of facility operations if the discharge occurs within the previous 12-hour period. General Permit, § XI.B.5. Each sample must be analyzed for TSS, Oil & Grease, pH, additional parameters identified as likely to be present at a facility, and additional parameters applicable based on a facility's SIC code, among others. The Facility has repeatedly violated these monitoring requirements.

i. Failure to Sample Requisite Number of Qualifying Storm Events.

According to NMI's sampling results, NMI took only one sample during the first half of the 2015-2016 reporting year. CSPA alleges that local precipitation data shows that discharges occurred during the first half of the 2015-2016 reporting year (July 1, 2015 to December 31, 2015) when the Facility was open, but the Facility did not collect and analyze any storm water samples. Specifically, CSPA alleges that qualifying discharges occurred on the following dates, but a storm water sample was not taken at the Facility:

- December 21, 2015

According to NMI's sampling results, NMI took only one sample during the first half of the 2016-2017 reporting year. CSPA alleges that local precipitation data shows that discharges occurred during the first half of the 2016-2017 reporting year (July 1, 2016 to December 31, 2016) when the Facility was open, but the Facility did not collect and analyze any storm water samples. Specifically, CSPA alleges that qualifying discharges occurred on the following dates, but a storm water sample was not taken at the Facility:

- October 14, 2016
- December 23, 2016

According to NMI's sampling results, NMI took only one sample during the second half of the 2016-2017 reporting year. CSPA alleges that local precipitation data shows that discharges occurred during the second half of the 2016-2017 reporting year (January 1, 2017 to June 30, 2017) when the Facility was open, but the Facility did not collect and analyze any storm water samples. Specifically, CSPA alleges that qualifying discharges occurred on the following dates, but a storm water sample was not taken at the Facility:

- January 18, 2017
- February 2, 2017
- February 6, 2017
- February 20, 2017

According to NMI's sampling results, NMI took only one sample during the first half of the 2017-2018 reporting year. CSPA alleges that local precipitation data shows that discharges occurred during the first half of the 2017-2018 reporting year (July 1, 2017 to December 31, 2017) when the Facility was open, but the Facility did not collect and analyze any storm water samples. Specifically, CSPA alleges that qualifying discharges occurred on the following dates, but a storm water sample was not taken at the Facility:

- November 15, 2017

According to NMI's sampling results, NMI took no samples during the first half of the 2018-2019 reporting year. CSPA alleges that local precipitation data shows that discharges occurred during the first half of the 2018-2019 reporting year (July 1, 2018 to December 31,

2018) when the Facility was open, but the Facility did not collect and analyze any storm water samples. Specifically, CSPA alleges that qualifying discharges occurred on the following dates, but a storm water sample was not taken at the Facility:

- November 21, 2018
- December 17, 2018

Because NMI failed to collect and analyze the requisite number of qualifying storm events for the above reporting years, NMI has violated the General Permit's monitoring requirements.

ii. Improper Sampling Conducted on Non-Qualifying Storm Events

On information and belief, CSPA alleges that NMI's samples taken on January 10, 2017 and November 16, 2017 were not legitimate Qualifying Storm Events (QSE) because those samples were not preceded by 48-hours with no discharge. Per the General Permit, a QSE is "a precipitation event that: a. Produces a discharge for at least one drainage area; and, b. *Is preceded by 48 hours with no discharge from any drainage area.*" General Permit § XI.B.1 (emphasis added). NMI submitted storm water sample results taken on January 10, 2017 and November 16, 2017. However, CSPA alleges that, because it also rained on January 9, 2017 and November 15, 2017 during the Facility's operating hours, the samples taken on January 10, 2017 and November 16, 2017 were not taken from a QSE. Because the January 10, 2017 and November 16, 2017 discharges were not QSEs, NMI failed to collect and analyze any qualifying samples during the second half of the 2016-2017 reporting year and first half of the 2017-2018 reporting year. The dates during those reporting years where NMI could have taken samples but did not are listed in the previous section of this notice letter.

iii. Failure to Collect Samples from Proper Discharge Locations

The General Permit requires that "samples shall be collected from each drainage area at all discharge locations." General Permit § XI.B.4. The General Permit also requires that the Facility's site map "[i]nclude any sample locations if different than the identified discharge locations." General Permit § X.E.3. Prior to the 2017-2018 reporting year, NMI took samples from a single sample point south of the facility outside of the property line (labeled as "S-1" on the Facility's original 2015 Site Map). In November of 2017, NMI submitted an updated Site Map with two sample points (labeled "SP#1" and "SP#2" on the updated 2017 site map). The Facility's Level 2 ERA Action Plan dated December 1, 2017 explained that the original S-1 sample point contained commingled stormwater from neighboring facilities and that the S-1 location was "replaced with two locations that are representative of a non-commingled flow and better characterize the industrial activities at NMI."

Despite updating the Facility's Site Map with two sample points, SP#1 and SP#2 and despite the Level 2 ERA Action Plan explaining that samples would be taken from those two sample points moving forward, NMI's sampling results for the 2017-2018 reporting year were taken from three sample locations identified as "SE-DI," "SW-DI," and "D-1"— even though no

sample points on the updated Site Map are labeled as such. Because NMI is taking samples from locations not identified on the Site Map, NMI is in violation of General Permit section X.E.3.

On information and belief, CSPA assumes that “SE-DI” refers to the sample location labeled as “SP#2” on the 2017 Site Map and that “SW-DI” refers to the sample location labeled as “SP#1” on the 2017 Site Map. Notably, the Facility failed to sample from “SW-DI” and “SE-DI” on the same date. Samples were taken from SW-DI on November 16, 2017 and February 26, 2018 while samples were taken from SE-DI on January 8, 2018 and March 1, 2018. On information and belief, CSPA alleges that if there was a stormwater discharge at SW-DI on a given date, then there would also be a discharge at SE-DI on that same date. Because NMI is taking samples from one sample location on a given date but not at the other sample location on that same date, NMI is in violation of General Permit section XI.B.4.

For the 2018-2019 reporting year, both sample locations reported also do not correspond to any sample location indicated on the updated 2017 Site Map. On March 3, 2019, the Facility reported that a sample was taken at “SW Driveway.” On May 16, 2019, the Facility reported that a sample was taken at “S-1.” Again, by failing to take samples from the locations identified on the Site Map, NMI continues to violate section X.E.3 of the General Permit. Also, by failing to take samples from all sample points identified on the 2017 Site Map on a given date, NMI continues to violate section XI.B.4 of the General Permit.

iv. Failure to Sample All Industrial Discharges from the Facility.

Pursuant to section XI.B.4 of the General Permit, NMI must take samples that are “[r]epresentative of storm water associated with industrial activities.” Based on the Facility’s 2017 Site Map, the buildings on the western portion of the property house offices, which are not industrial, but also house indoor production, a maintenance shop, and covered storage, which are all associated with NMI’s industrial activities. On information and belief, CSPA alleges that NMI has failed to account for and to sample the storm water from the roofs of the buildings on the western portion of the property which travels through downspouts into areas NMI has identified as “non-industrial” and any commingled storm water in that area. To the extent that NMI has failed to sample discharges of storm water from the roofs of the buildings on the western portion of the property and commingled storm water in the areas labelled “non-industrial,” NMI continues to be in violation of section XI.B.4 of the General Permit.

C. Failure to Complete Annual Comprehensive Facility Compliance Evaluation.

The General Permit requires operators to conduct an Annual Comprehensive Facility Compliance Evaluation (“Annual Evaluation”) that evaluates the effectiveness of current BMPs and the need for additional BMPs based on visual observations and sampling and analysis results. General Permit, § XV. After conducting the Annual Evaluation, “[t]he Discharger shall revise the SWPPP, as appropriate, and implement the revisions within 90 days of the Annual Evaluation.” *Id.* The General Permit then requires that a Discharger submit an Annual Report which includes the date of the Annual Evaluation as well as “[a]n identification, including page

numbers and/or sections, of all revisions made to the SWPPP within the reporting year.” General Permit § XVI.

Information available to CSPA indicates that NMI has failed to comply with Sections XV and XVI of the General Permit. Per Section XV.F of the General Permit, the Facility’s Annual Evaluation must include “[a] review and effectiveness assessment of all BMPs for each area of industrial activity and associated potential pollutant sources to determine if the BMPs are properly designed, implemented, and are effective in reducing and preventing pollutants in industrial storm water discharges and authorized NSWDS.” Within 90 days of the Annual Evaluation, Section XV requires that a Facility revise their SWPPP as appropriate. Such revisions to the SWPPP are to be identified in the Annual Report. General Permit § XVI.B.3. However, the Facility has not submitted an Annual Report since July 2015 and, thus, has failed to provide a sufficient explanation of the Facility’s failure to take steps to reduce or prevent high levels of pollutants, including but not limited to aluminum, iron, and zinc which were measured at levels above the annual NAL, observed in the Facility’s storm water discharges. The failure to assess the Facility’s BMPs and to report revisions to the SWPPP negates a key component of the evaluation process required in self-monitoring programs such as the General Permit. Instead, NMI has not proposed sufficient BMPs that properly respond to EPA benchmark and water quality standard exceedances in violation of the General Permit.

CSPA puts NMI on notice that a failure to submit accurate and complete Annual Reports is a violation of the General Permit and the CWA. NMI is in ongoing violation of the General Permit every day that the Facility operates without evaluating the effectiveness of BMPs and the need for additional BMPs. These violations are ongoing. Each of these violations is a separate and distinct violation of the General Permit and the CWA.

D. Failure to Prepare, Implement, Review and Update an Adequate Storm Water Pollution Prevention Plan

Under the General Permit, the State Board has designated the SWPPP as the cornerstone of compliance with NPDES requirements for storm water discharges from industrial facilities, ensuring that operators meet effluent and receiving water limitations. Section X.A-B of the General Permit requires dischargers to develop and implement a SWPPP prior to beginning industrial activities that meet all of the requirements of the General Permit. The objective of the SWPPP requirement is to identify and evaluate sources of pollutants associated with industrial activities that may affect the quality of storm water discharges and authorized non-stormwater discharges from the facility, and to implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges and authorized non-stormwater discharges. General Permit § X.C. These BMPs must achieve compliance with the General Permit’s effluent limitations and receiving water limitations. To ensure compliance with the General Permit, the SWPPP must be evaluated and revised as necessary. General Permit § X.B. Failure to develop or implement an adequate SWPPP, or update or revise an existing SWPPP as required, is a violation of the General Permit. General Permit Factsheet § I(1).

Sections X.D-I of the General Permit set forth the requirements for a SWPPP. Among other requirements, the SWPPP must include: a pollution prevention team; a site map; a list of industrial materials handled and stored at the site; a description of potential pollutant sources; an assessment of potential pollutant sources; and a description of the BMPs to be implemented at the facility that will reduce or prevent pollutants in storm water discharges and authorized non-stormwater discharges. The General Permit requires that all dischargers develop and implement a set of minimum BMPs (which are mostly non-structural BMPs) as well as any advanced BMPs (which are mostly structural) as necessary to achieve BAT/BCT, which serve as the basis for compliance with the General Permit's technology-based effluent limitations. *See* General Permit § X(H). The General Permit requires a comprehensive assessment of potential pollutant sources, specific BMP descriptions; and a BMP summary table identifying each identified area of industrial activity, the associated industrial pollutant sources, the industrial pollutants, and the BMPs being implemented. *See* General Permit §§ X.G.2, 4-5.

The General Permit requires dischargers to implement and maintain, to the extent feasible, all of the following minimum BMPs in order to reduce or prevent pollutants in industrial storm water discharges: good housekeeping, preventive maintenance, spill and leak prevention and response, material handling and waste management, erosion and sediment controls, an employee training program, and quality assurance and record keeping. *See* General Permit, § X.H.1. Failure to implement all of these minimum BMPs is a violation of the General Permit. *See* General Permit Fact Sheet § I(2)(o). The General Permit further requires dischargers to implement and maintain, to the extent feasible, any one or more of the following advanced BMPs necessary to reduce or prevent discharges of pollutants in industrial storm water discharges: exposure minimization BMPs, storm water containment and discharge reduction BMPs, treatment control BMPs, and other advanced BMPs. *See* General Permit, § X.H.2. Failure to implement advanced BMPs as necessary to achieve compliance with either technology or water quality standards is a violation of the General Permit. *Id.* The General Permit also requires that the SWPPP include BMP Descriptions and a BMP Summary Table. *See* General Permit § X.H.4-5. A Facility's BMPs must, at all times, be robust enough to meet the General Permit's and 33 U.S.C. ¶ 1342(p)(3)(A)'s requirement that all discharges associated with industrial activities be subjected to BAT and BCT. General Permit §§ V.A, I.A.1, I.D.31-32.

The SWPPP for the Facility fails to comply with the requirements of Section X.H of the General Permit. The SWPPP fails to implement required advanced BMPs. Even if a treatment system or other available advanced BMP is not identified in the SWPPP, the SWPPP must identify the advanced BMPs that are not being used at the Facility which could address the pollutants being discharged. The facility has failed to "ensure that the SWPPP identifies and justifies each minimum BMP or applicable advanced BMP not being implemented at the facility because they do not reflect best industry practice considering technological availability and economic practicability and achievability." General Permit, § X.H.4.b.

Despite these clear SWPPP requirements, NMI has been conducting and continues to conduct industrial operations at the Facility with an inadequately developed, implemented, and/or revised SWPPP. NMI has failed to identify where the minimum BMPs in different areas of the Facility will not adequately reduce the pollutants in the Facility's storm water dischargers

and to identify advanced BMPs for those areas. For example, in the Facility's most recently updated SWPPP dated January 2019, the SWPPP admits that "the implemented BMPs did not achieve compliance for Al or Fe . . . The facility remains in Level 2 statues [sic] for Al and Fe but is trending towards baseline for Zn." First, either the Facility has reached baseline for zinc or it hasn't—there is no carve out in the General Permit for exceedances "trending" towards baseline. As explained previously in this notice letter, samples taken by NMI during the 2017-2018 reporting year were not taken from all appropriate sample points on dates where there was a qualifying discharge. As such, those results cannot be relied upon to conclude that the Facility is "trending towards baseline" for zinc. Additionally, as discussed previously in this notice letter, NMI failed to take any samples during the first half of the 2018-2019 reporting year and samples from the second half of the 2018-2019 reporting year indicate a continued NAL exceedance for zinc. Thus, the most recent SWPPP fails to address the Facility's ongoing exceedances for zinc.

NMI continues to be in violation of section X.H.2 of the General Permit for failing to implement and maintain advanced BMPs necessary to prevent discharges of pollutants in the Facility's stormwater. For every reporting year that NMI has submitted sampling data, the Facility has NAL exceedances for aluminum and iron. Clearly, the filter media currently in use at the Facility is not adequately reducing the levels of aluminum and iron in the Facility's storm water discharges. According to the most recent SWPPP, NMI reviewed alternative filtering media for iron and aluminum and conferred with a consultant who provided recommendations based on cost and need. Rather than implement new filter media, NMI "moved forward with current filters . . . [and] the facility will use future sampling data and gain knowledge and experience to better assess their filter needs." NMI needs no future sampling data to confirm that the current filter media at the Facility is not adequate to prevent NAL exceedances. Furthermore, NMI's justification does not explain why new filters would not be available, practical, and achievable as required by section X.H.4 of the General Permit. Rather, NMI continues to in violation of section X.H.2 of the General Permit by failing to implement and maintain advanced BMPs necessary to reduce pollutant levels below the NAL thresholds, such as new filters.

NMI is similarly in continuing violation of section X.H.2 of the General Permit by declining to construct a containment/trench area around the unpaved surface in the center of the Facility. Pursuant to section X.H.4 of the General Permit, NMI must "ensure that the SWPPP identifies and justifies each minimum BMP or applicable advanced BMP not being implemented at the facility because they do not reflect best industry practice considering technological availability and economic practicability and achievability." However, the Facility's SWPPP justifies NMI's decision to not implement containment by stating containment was not chosen due to "the unpredictability of the size of storm events in the Central Valley." NMI's justification does not explain why containment would not be available, practical, and achievable as required by section X.H.4 of the General Permit. Rather, NMI continues to in violation of section X.H.2 of the General Permit by failing to implement and maintain advanced BMPs necessary to reduce pollutant levels below the NAL thresholds, such as containment.

Relatedly, the Facility's storm water samples and discharge observations have consistently exceeded EPA benchmarks and NALs, demonstrating the failure of its BMPs to reduce or prevent pollutants associated with industrial activities in the Facility's discharges

consistent with the BAT and BCT requirements. Despite these exceedances, NMI has failed to sufficiently update the Facility's SWPPP. The Facility's SWPPP has therefore never achieved the General Permit's objective to identify and implement BMPs to reduce or prevent pollutants associated with industrial activities in storm water discharges consistent with reductions achieved by implementing BAT and BCT at the Facility.

CSPA puts NMI on notice that it violates the General Permit and the CWA every day that the Facility operates with an inadequately developed, implemented, and/or revised SWPPP. These violations are ongoing, and CSPA will include additional violations as information and data become available. NMI is subject to civil penalties for all violations of the CWA occurring since at least June 3, 2015.

III. Persons Responsible for the Violations.

CSPA puts NMI Industrial Holdings, Inc., and Majid Rahimian on notice that they are the persons responsible for the violations described above. If additional persons are subsequently identified as also being responsible for the violations set forth above, CSPA puts NMI Industrial Holdings, Inc., and Majid Rahimian on notice that it intends to include those subsequently identified persons in this action.

IV. Name and Address of Noticing Parties.

The name, address and telephone number of CSPA is as follows:

Bill Jennings, Executive Director
California Sportfishing Protection Alliance
3536 Rainier Avenue,
Stockton, CA 95204
Tel. (209) 464-5067

V. Counsel.

CSPA has retained legal counsel to represent it in this matter. Please direct all communications to:

Michael R. Lozeau
Brian B. Flynn
Lozeau Drury LLP
1939 Harrison St., Suite 150
Oakland, California 94612
Tel. (510) 836-4200
michael@lozeaudrury.com
brian@lozeaudrury.com

VI. Penalties.

Section 309 of the CWA, 33 U.S.C. § 1319(d), as adjusted by 40 C.F.R. §19.4, provides for penalties of up to \$37,500 per day per violation for all violations occurring since October 28, 2011, up to and including November 2, 2015, and up to \$53,484 for violations occurring after November 2, 2015 (and assessed after January 15, 2018). In addition to civil penalties, CSPA will seek injunctive relief preventing further violations of the Act pursuant to Sections 505(a) and (d) (33 U.S.C. §1365(a) and (d)) and such other relief as permitted by law. Lastly, Section 505(d) of the Act (33 U.S.C. § 1365(d)), permits prevailing parties to recover costs and fees, including attorneys' fees.

CSPA believes this Notice of Violations and Intent to File Suit sufficiently states grounds for filing suit. CSPA intends to file a citizen suit under Section 505(a) of the Act against NMI and its agents for the above-referenced violations upon the expiration of the 60-day notice period. However, during the 60-day notice period, CSPA would be willing to discuss effective remedies for the violations noted in this letter. If you wish to pursue such discussions in the absence of litigation, CSPA suggests that you initiate those discussions within the next 20 days so that they may be completed before the end of the 60-day notice period. CSPA does not intend to delay the filing of a complaint in federal court if discussions are continuing when that period ends.

Sincerely,



Brian B. Flynn
Lozeau Drury LLP
Attorneys for California Sportfishing Protection Alliance

SERVICE LIST – via certified mail

Andrew Wheeler, Administrator
U.S. Environmental Protection Agency
1200 Pennsylvania Avenue, N.W.
Washington, D.C. 20460

Eileen Sobeck, Executive Director
State Water Resources Control Board
P.O. Box 100
Sacramento, CA 95812-0100

William Barr, U.S. Attorney General
U.S. Department of Justice
950 Pennsylvania Avenue, N.W.
Washington, DC 20530-0001

Mike Stoker, Regional Administrator
U.S. EPA – Region 9
75 Hawthorne Street
San Francisco, CA, 94105

Patrick Pulupa, Executive Officer
Regional Water Quality Control Board
Central Valley Region
11020 Sun Center Drive #200
Rancho Cordova, CA 95670-6114

ATTACHMENT A
Rain Dates, NMI Industrial Holdings, Inc., Sacramento, CA

10/3/2015	10/25/2016	4/6/2017
11/1/2015	10/27/2016	4/7/2017
11/2/2015	10/28/2016	4/8/2017
11/8/2015	10/29/2016	4/13/2017
11/9/2015	10/30/2016	4/16/2017
11/15/2015	11/1/2016	4/17/2017
12/10/2015	11/19/2016	6/8/2017
12/13/2015	11/20/2016	10/19/2017
12/18/2015	11/23/2016	11/4/2017
12/19/2015	11/26/2016	11/8/2017
12/20/2015	11/27/2016	11/9/2017
12/21/2015	12/7/2016	11/15/2017
1/4/2016	12/8/2016	11/16/2017
1/5/2016	12/10/2016	11/26/2017
1/6/2016	12/15/2016	11/27/2017
1/9/2016	12/23/2016	12/20/2017
1/10/2016	1/2/2017	1/3/2018
1/13/2016	1/3/2017	1/4/2018
1/15/2016	1/4/2017	1/5/2018
1/16/2016	1/7/2017	1/8/2018
1/17/2016	1/8/2017	1/9/2018
1/18/2016	1/9/2017	1/22/2018
1/19/2016	1/10/2017	1/24/2018
1/20/2016	1/11/2017	1/25/2018
1/22/2016	1/12/2017	2/26/2018
1/23/2016	1/18/2017	3/1/2018
1/24/2016	1/19/2017	3/2/2018
1/29/2016	1/20/2017	3/3/2018
2/17/2016	1/21/2017	3/13/2018
2/18/2016	1/22/2017	3/14/2018
3/4/2016	2/2/2017	3/15/2018
3/5/2016	2/3/2017	3/16/2018
3/6/2016	2/5/2017	3/20/2018
3/7/2016	2/6/2017	3/21/2018
3/10/2016	2/7/2017	3/22/2018
3/11/2016	2/8/2017	4/5/2018
3/12/2016	2/9/2017	4/6/2018
3/13/2016	2/16/2017	4/7/2018
4/9/2016	2/17/2017	4/16/2018
4/10/2016	2/19/2017	5/16/2018
4/22/2016	2/20/2017	5/25/2018
4/27/2016	3/4/2017	11/21/2018
5/20/2016	3/20/2017	11/22/2018
10/14/2016	3/21/2017	11/23/2018
10/15/2016	3/22/2017	11/28/2018
10/16/2016	3/24/2017	11/29/2018

Notice of Violations and Intent to File Suit

ATTACHMENT A
Rain Dates, NMI Industrial Holdings, Inc., Sacramento, CA

12/1/2018
12/5/2018
12/16/2018
12/17/2018
12/24/2018
12/25/2018
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